



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,686	07/27/2006	Adolf Zaiser	3743	8418

7590 10/07/2010
STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
----------	--------------

3724

MAIL DATE	DELIVERY MODE
-----------	---------------

10/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,686	Applicant(s) ZAISER ET AL.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-14 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5,6,16-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 7, 2010 has been entered.

Claim Rejections - 35 USC § 112, 2nd paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, line 2, the recitation "project out" is vague and indefinite since it is not clear how a recess can project out of something; in lines 2-3, the recitation "bracing means of the contact face" is vague and indefinite as to what is being set forth (is it intended to means "relative to"?).

Claims 18-22 are vague and indefinite as to what is being set forth because they each ultimately depend from a canceled claim.

In claim 18, lines 2-3, the recitation “at a reverse edge of the cutting edge” is vague and indefinite since it is not clear what structure is being set forth (e.g., the cutting edge is an edge and thus it is not clear as to what is the reverse edge thereof).

In claim 22, line 3, the recitation “facing the saw blade” renders the claim vague and indefinite since the invention is being positively defined in terms of the saw blade which is not positively set forth as part of the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2, 3, 5, 19, 20, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Godfrey et al., pn 3,155,128.

Godfrey discloses a handheld power saw with every structural limitation of the claimed invention including:

a lifting rod (e.g., any of the rods disclosed thereby including 64); a saw blade (e.g., B) connected with said lifting rod and movable in an oscillating motion; coupling means (e.g., 80) for retaining and driving said saw blade and connecting said saw blade to said lifting rod; a guide assembly (14) for guiding the oscillation motion (16) of the saw blade (12), wherein said guide assembly includes at least one lateral bracing means (e.g., see Fig. 5) for shielding said coupling means from shear forces acting on

Art Unit: 3724

said saw blade, wherein said bracing means is located in a region of said coupling means (e.g., as best understood, Godfrey discloses such a structure) and directly guide said saw blade during its oscillating motion;

[claim 2] wherein the bracing means is configured for bracing on both sides against shear forces on the saw blade;

[claim 3] wherein the bracing means is configured as a slide bearing;

[claim 5] wherein the bracing means forms a two-dimensional contact face;

[claim 19] wherein two lateral bracing means are provided;

[claim 20 (from 19) and claim 23] wherein in an installed state of the saw blade the two lateral bracing means are located mirror-symmetrically beside the saw blade (e.g., each one of 88 and 90 includes lateral structures/portions/members that are integral with one another and are located mirror-symmetrically beside the saw blade).

Claim Rejections - 35 USC § 102/103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is

Art Unit: 3724

advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Godfrey et al., pn 3,155,128.

Godfrey discloses a handheld power saw with every structural limitation of the claimed invention including:

[claim 6 (from 5)] characterized in that the contact face has a length of at least 2 cm in a longitudinal direction of the saw blade.

For example, providing the saw in a particular saw having the appropriate dimensions will result in the claimed contact face length.

In the alternative, if it is argued that Godfrey does not explicitly disclose the claimed length, to provide such a contact face length would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one having ordinary skill in the art.

8. Claim 18, as understood, is rejected under 35 U.S.C. 102(b) as anticipated by Godfrey et al., pn 3,155,128 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Godfrey et al., pn 3,155,128 in view of Odendahl et al., pn 5,644,847.

Godfrey discloses a handheld power saw with every structural limitation of the claimed invention including:

[claim 18 (from 24)] wherein the pressure roller (e.g., 82) guides the saw blade at a reverse edge of a cutting edge (e.g., as best understood).

In the alternative, if it is argued that the roller 82 is not capable of performing applicant's intended claimed function wherein applicant intends that the pressure roller contacts the blade, the Examiner takes Official notice that such pressure rollers are old and well known in the art and provide various well known benefits including stabilizing or bracing the movement of the saw blade, particularly when faced with forces applied during cutting. Odendahl discloses an example of such a pressure roller (e.g., see Figs. 5 and 7). Therefore, it would have been obvious to one having ordinary skill in the art to provide such a pressure roller on the saw of Godfrey to gain the well known benefits including those described above.

Claim Rejections - 35 USC § 103

9. Claim 22, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey et al., pn 3,155,128.

Godfrey discloses a handheld power saw with almost every structural limitation of the claimed invention but lacks the specific bracing means configuration as follows:

[claim 22 (from 24)] wherein the bracing means has a rounded area in a front region of the bracing means facing the saw blade.

However, the Examiner takes Official notice that it is old and well known in the art to provide such a rounded area for various well known benefits including to provide rounded edges to improve handling during assembly and to make insertion of

Art Unit: 3724

associated components easier (i.e., the rounded areas provide a guide surface to facilitate insertion of the associated component). Therefore, it would have been obvious to one having ordinary skill in the art to provide such a rounded area in a front region of the bracing means of Godfrey to gain the well known benefits including those described above.

Response to Arguments

10. Applicant's arguments filed August 13, 2009 have been fully considered but they are not persuasive.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
October 1, 2010